

Exhibit 1

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
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8 Attorneys for Individual Counterclaim
Defendants Michael Omid, M.D. and
9 Julian Omid

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 ALMONT AMBULATORY
13 SURGERY CENTER, LLC, a
California limited liability company, et
14 al.,

15 Plaintiffs,

16 v.

17 UNITEDHEALTH GROUP, INC.;
UNITED HEALTHCARE SERVICES,
18 INC., UNITED HEALTHCARE
INSURANCE COMPANY;
19 OPTUMINSIGHT, INC., and DOES 1
through 20,

20 Defendants.

21 UNITED HEALTHCARE SERVICES,
INC., UNITED HEALTHCARE
22 INSURANCE COMPANY;
OPTUMINSIGHT, INC.,

23 Counterclaim Plaintiffs,

24 v.

25 ALMONT AMBULATORY
SURGERY CENTER, LLC, a
26 California limited liability company; et
al.,

27 Counterclaim Defendants.
28

Case No. 2:14-cv-03053-MWF(VBKx)
Honorable Michael W. Fitzgerald

**MICHAEL OMIDI, M.D. AND
JULIAN OMIDI'S RESPONSE TO
DEFENDANTS'/COUNTERCLAIM
PLAINTIFFS' FIRST REQUEST
FOR DOCUMENTS**

Complaint Filed: March 21, 2014
Trial Date: None Set

1 PROPOUNDING PARTY: DEFENDANTS/COUNTERCLAIM PLAINTIFFS
2 ("UNITED")
3 RESPONDING PARTY: INDIVIDUAL COUNTERCLAIM DEFENDANTS
4 MICHAEL OMIDI, M.D. and JULIAN OMIDI
5 SET NO.: ONE

6 **RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

7
8 **PRELIMINARY STATEMENT**

9 Individual Counterclaim Defendants hereby incorporate all General
10 Objections and Specific Objections of Plaintiffs and Counter-Defendants Almont
11 Ambulatory Surgery Center, LLC, et al., i.e., the "Providers."

12 **REQUEST FOR PRODUCTION NO. 1:**

13 Produce an excel [sic] or similar spreadsheet listing (1) all claims submitted
14 by you to United for payment with respect to all patients referred to in (a) the
15 Complaint, (b) the Amended Complaint filed in Case No. 2:14-cv-02139, (c)
16 Plaintiffs' Master UHC Spreadsheet for Production (produced to United on July 3,
17 2013), or (d) Appendix I to United's First Amended Counterclaim, and (2) all
18 amounts you have received, from any source, including patients, as partial or full
19 payment with respect to such patient claims. Such spreadsheet shall include, at a
20 minimum, the following fields for each amount you seek for services provided: (a)
21 patient's last name, (b) patient's first name, (c) the date of service, (d) the CPT or
22 other procedure code, (e) the billed charge, (f) the amount paid, (g) the provider's
23 name, (h) the provider's tax identification number, (i) if known, the name of the
24 group plan under which the patient is or may be covered, (j) if known, whether the
25 group plan is self-funded or fully insured, and (k) date payment received by or on
26 behalf of Plaintiffs and source of payment, i.e., United, other insurer, or patient.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Individual Counterclaim Defendants object to this Request in its entirety on the following grounds. This Request seeks to discover documents that, to the extent they exist, are not within Individual Counterclaim Defendants' possession, custody, or control in their individual capacities. In the event such documents are determined to be within Individual Counterclaim Defendants' possession, custody, or control, Individual Counterclaim Defendants specifically incorporate the Providers' objections and response to this Request. Moreover, this Request does not comply with Fed. R. Civ. P. 34, in that it requires the creation of a document, rather than production of a pre-existing document.

REQUEST FOR PRODUCTION NO. 2:

For each of the claims listed on Exhibit A, produce all documents and communications relating to such claims, including but not limited to:

- (a) Billing Records;
 - (b) Medical Records;
 - (c) Claim records, including copies of the claim forms Plaintiffs submitted to United (HCFA 1500, CMS 1500, UB-92, UB-04 etc);
 - (d) Scheduling records;
 - (e) Patient sign-in logs;
 - (f) Benefits or coverage information;
 - (g) Requests for authorization or approval for services;
 - (h) Patient assignments, patient authorizations or other patient records;
 - (i) Correspondence with Exhibit A patients, United or other insurers/payers, including all correspondence relating to appeals of denied claims;
 - (j) E-mail;
 - (k) Call recordings, call transcripts, and call notes, including notes of calls in the database or computer system, as alleged in Paragraph 124 of the Complaint;
- and

1 (l) Documents reflecting any settlement or compromise of any dispute
2 relating to such claims.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

4 Individual Counterclaim Defendants object to this Request in its entirety on
5 the ground that it seeks documents that are not within their possession, custody, or
6 control in their individual capacities. In the event such documents are determined to
7 be within Individual Counterclaim Defendants' possession, custody, or control,
8 Individual Counterclaim Defendants specifically incorporate the Providers'
9 objections and response to this Request.

10 **REQUEST FOR PRODUCTION NO. 3:**

11 Produce Billing Records sufficient to show all amounts paid by any United
12 Member to any Plaintiff or Counterclaim Defendant, to the extent this information is
13 not produced in response to Request for Production No. 1.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

15 Individual Counterclaim Defendants object to this Request in its entirety on
16 the ground that it seeks documents that are not within their possession, custody, or
17 control in their individual capacities. In the event such documents are determined to
18 be within Individual Counterclaim Defendants' possession, custody, or control,
19 Individual Counterclaim Defendants specifically incorporate the Providers'
20 objections and response to this Request.

21 **REQUEST FOR PRODUCTION NO. 4:**

22 Produce all documents reflecting or discussing the organizational structure of
23 any Plaintiff or Corporate Counterclaim Defendant, including those that identify (i)
24 the organization, hierarchy, management, or control of employees or independent
25 contractors, (ii) the organization or hierarchy of executive and/or management
26 personnel, (iii) the relationship between and among Plaintiffs/Counterclaim
27 Defendants, and (iv) the ownership, membership, or control of Plaintiffs /
28 Counterclaim Defendants.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Individual Counterclaim Defendants object to this Request in its entirety on the following grounds. This Request seeks documents that are not within Individual Counterclaim Defendants' possession, custody, or control in their individual capacities. In the event such documents are determined to be within Individual Counterclaim Defendants' possession, custody, or control, Individual Counterclaim Defendants specifically incorporate the Providers' objections to this Request. This Request seeks documents arguably relating to United's alter ego theory of liability alleged in the First Amended Counterclaim ("FACC"), rather than relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1). The FACC is subject to the pending Motions to Dismiss. If those Motions are granted, in whole or in part—for example, if the Individual Counterclaim Defendants are dismissed or the Court rules that the alter ego allegations are insufficient to permit alter ego discovery in the underlying action, as opposed to post-judgment proceedings, if any, then the subject matter of this Request will not be relevant.

REQUEST FOR PRODUCTION NO. 5:

Produce all agreements or contracts (employment, independent contractor, or otherwise), payroll records, or other records reflecting or addressing the terms of employment, responsibilities, duties, employment status, and relationship, between Counterclaim Defendants and any of the following individuals:

- a. Maureen Jaroscak
- b. Robert Silverman
- c. Elliot Alpert
- d. Cindy Omid
- e. Thomas Cloud
- f. Charles Klasky
- g. Robert Macatangay
- h. Araminta Salazar

- 1 i. Ryan Stanton
- 2 j. Shawn Pezeshk
- 3 k. Alexander Weisse
- 4 l. Maria Abaca
- 5 m. Yesenia F.
- 6 n. Levi Green
- 7 o. Kimberly Fortier
- 8 p. Dr. Atul Madan
- 9 q. Dr. Michael Sedrak
- 10 r. Dr. Lee Au
- 11 s. Dr. Julius Gee

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

13 Individual Counterclaim Defendants object to this Request in its entirety on
14 the following grounds. This Request seeks documents that are not within Individual
15 Counterclaim Defendants' possession, custody, or control in their individual
16 capacities. In the event such documents are determined to be within Individual
17 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
18 Defendants specifically incorporate the Providers' objections to this Request. This
19 Request seeks documents arguably relating to United's alter ego theory of liability
20 alleged in the FACC, rather than relating to any claim or defense as provided in Fed.
21 R. Civ. P. 26(b)(1), and arguably relating to the Unfair Competition Law ("UCL")
22 count in the FACC, specifically allegations relating to patient referrals and the
23 corporate practice of medicine. The FACC is subject to the pending Motions to
24 Dismiss. If those Motion are granted, in whole or in part—for example, if the
25 Individual Counterclaim Defendants are dismissed, the Court rules that the alter ego
26 allegations are insufficient to permit alter ego discovery in the underlying action, as
27 opposed to post-judgment proceedings, if any, or the UCL count is preempted by
28 ERISA, then the subject matter of this Request will not be relevant.

1 **REQUEST FOR PRODUCTION NO. 6:**

2 Produce all documents reflecting or referring to the creation of the Corporate
3 Counterclaim Defendants, including filings with state entities related to the creation
4 of Corporate Counterclaim Defendants and documents showing the members or
5 agents of those entities.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

7 Individual Counterclaim Defendants object to this Request in its entirety on
8 the following grounds. This Request seeks documents that are not within Individual
9 Counterclaim Defendants' possession, custody, or control in their individual
10 capacities. In the event such documents are determined to be within Individual
11 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
12 Defendants specifically incorporate the Providers' objections to this Request. This
13 Request seeks documents arguably relating to United's alter ego theory of liability
14 alleged in the FACC, rather than relating to any claim or defense as provided in Fed.
15 R. Civ. P. 26(b)(1). The FACC is subject to the pending Motions to Dismiss. If
16 those Motions are granted, in whole or in part—for example, if the Individual
17 Counterclaim Defendants are dismissed or the Court rules that the alter ego
18 allegations are insufficient to permit alter ego discovery in the underlying action, as
19 opposed to post-judgment proceedings, if any, then the subject matter of this
20 Request will not be relevant.

21 **REQUEST FOR PRODUCTION NO. 7:**

22 Produce all communications between the Omidis and any of the following
23 individuals related to the creation, incorporation, organization, or governance of any
24 Corporate Counterclaim Defendant:

- 25 a. Maureen Jaroscak
26 b. Robert Silverman
27 c. Elliot Alpert
28 d. Cindy Omid

- 1 e. Thomas Cloud
- 2 f. Charles Klasky
- 3 g. Robert Macatangay
- 4 h. Araminta Salazar
- 5 i. Ryan Stanton
- 6 j. Shawn Pezeshk
- 7 k. Alexander Weisse
- 8 l. Maria Abaca
- 9 m. Yesenia F.
- 10 n. Levi Green
- 11 o. Kimberly Fortier
- 12 p. Dr. Atul Madan
- 13 q. Dr. Michael Sedrak
- 14 r. Dr. Lee Au
- 15 s. Dr. Julius Gee

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

17 Individual Counterclaim Defendants object to this Request in its entirety on
18 the following grounds. United's definition of "the Omidis" (See Definitions No. 3)
19 is improper, overbroad, and designed to invade the attorney-client privileged and
20 attorney work product doctrine, as it is not limited to the Individual Counterclaim
21 Defendants, but also includes "any of their attorneys, agents, assigns, or any persons
22 or entities acting on their behalf." This Request seeks documents that are protected
23 by the attorney-client privilege and attorney work product doctrine. This Request
24 seeks documents arguably relating to United's alter ego theory of liability alleged in
25 the FACC, rather than relating to any claim or defense as provided in Fed. R. Civ. P.
26 26(b)(1). The FACC is subject to the pending Motions to Dismiss. If those Motions
27 are granted, in whole or in part—for example, if the Individual Counterclaim
28 Defendants are dismissed or the Court rules that the alter ego allegations are

1 insufficient to permit alter ego discovery in the underlying action, as opposed to
2 post-judgment proceedings, if any, then the subject matter of this Request will not
3 be relevant. Even if the alter ego allegations survive, this Request is overbroad and
4 unduly burdensome, as it seeks “all communications” between “the Omidis” and
5 nineteen individuals regarding the “creation, incorporation, organization, or
6 governance” of two dozen entities.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 Produce all agreements or contracts (employment, independent contractor, or
9 otherwise) and payroll records between any Plaintiff or Counterclaim Defendant and
10 any physician, nutritionist, psychologist, psychiatrist, nurse, or other medical or
11 health care professional who provided health care services to any Exhibit A Patient.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

13 Individual Counterclaim Defendants object to this Request in its entirety on
14 the following grounds. This Request seeks documents that are not within Individual
15 Counterclaim Defendants’ possession, custody, or control in their individual
16 capacities. In the event such documents are determined to be within Individual
17 Counterclaim Defendants’ possession, custody, or control, Individual Counterclaim
18 Defendants specifically incorporate the Providers’ objections to this Request. This
19 Request seeks documents arguably relating to United’s UCL count in the FACC,
20 specifically allegations relating to patient referrals and the corporate practice of
21 medicine. The FACC is subject to the pending Motions to Dismiss. If those
22 Motions are granted, in whole or in part—for example, if the UCL count is
23 preempted by ERISA, then the subject matter of this Request will not be relevant.

24 **REQUEST FOR PRODUCTION NO. 9:**

25 Produce all documents reflecting, discussing, or addressing scripts, workflow,
26 questionnaires, policies, procedures, practices, or training materials for employees,
27 agents, or independent contractors associated with Plaintiffs or Counterclaim
28 Defendants, including but not limited to call center personnel, administrators, billing

1 personnel, staff, or health care professionals, including surgeons, physicians,
2 doctors, nurses, psychologists, psychiatrists, therapists, nutritionists, social workers,
3 and laboratory specialists.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

5 Individual Counterclaim Defendants object to this Request in its entirety on
6 the ground that it seeks documents that are not within their possession, custody, or
7 control in their individual capacities. In the event such documents are determined to
8 be within Individual Counterclaim Defendants' possession, custody, or control,
9 Individual Counterclaim Defendants specifically incorporate the Providers'
10 objections to this Request.

11 **REQUEST FOR PRODUCTION NO. 10:**

12 Produce all documents reflecting, discussing, or addressing Plaintiffs or
13 Counterclaim Defendants' marketing or advertising strategy, budget, expenditures,
14 and/or success or conversion rates.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

16 Individual Counterclaim Defendants object to this Request in its entirety on
17 the ground that it seeks documents that are not within their possession, custody, or
18 control in their individual capacities. In the event such documents are determined to
19 be within Individual Counterclaim Defendants' possession, custody, or control,
20 Individual Counterclaim Defendants specifically incorporate the Providers'
21 objections to this Request.

22 **REQUEST FOR PRODUCTION NO. 11:**

23 Produce all contracts, agreements, leases, or other documents reflecting any
24 agreement or business relationship between, on the one hand, each Counterclaim
25 Defendant, and, on the other hand, any other Counterclaim Defendant.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

27 Individual Counterclaim Defendants object to this Request in its entirety on
28 the following grounds. This Request seeks information that is not within Individual

1 Counterclaim Defendants' possession, custody, or control in their individual
2 capacities. In the event such documents are determined to be within Individual
3 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
4 Defendants specifically incorporate the Providers' objections to this Request. This
5 Request seeks documents arguably relating to United's alter ego theory of liability
6 alleged in the FACC, rather than relating to any claim or defense as provided in Fed.
7 R. Civ. P. 26(b)(1). The FACC is subject to the pending Motions to Dismiss. If
8 those Motions are granted, in whole or in part—for example, if the Individual
9 Counterclaim Defendants are dismissed or the Court rules that the alter ego
10 allegations are insufficient to permit alter ego discovery in the underlying action, as
11 opposed to post-judgment proceedings, if any, then the subject matter of this
12 Request will not be relevant.

13 **REQUEST FOR PRODUCTION NO. 12:**

14 Produce all tax returns for each Plaintiff and Counterclaim Defendant from
15 2005 to present.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

17 Individual Counterclaim Defendants object to this Request in its entirety on
18 the following grounds. This Request seeks documents that are not within Individual
19 Counterclaim Defendants' possession, custody, or control in their individual
20 capacities. In the event such documents are determined to be within Individual
21 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
22 Defendants specifically incorporate the Providers' objections to this Request. This
23 Request seeks highly sensitive financial information that is not reasonably
24 calculated to lead to discoverable evidence relating to any claim, defense, or theory
25 of liability in this action. To the extent United contends the requested documents
26 are relevant to its alter ego theory of liability alleged in the FACC, rather than
27 relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1), the FACC is
28 subject to the pending Motions to Dismiss. If those Motions are granted, in whole

1 or in part—for example, if the Individual Counterclaim Defendants are dismissed or
2 the Court rules that the alter ego allegations are insufficient to permit alter ego
3 discovery in the underlying action, as opposed to post-judgment proceedings, if any,
4 then the subject matter of this Request will not be relevant.

5 **REQUEST FOR PRODUCTION NO. 13:**

6 Produce all tax returns for the Omidis from 2005 to present.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

8 Individual Counterclaim Defendants object to this Request in its entirety on
9 the following grounds. United's definition of "the Omidis" (*See* Definitions No. 3)
10 is improper and overbroad, as it is not limited to the Individual Counterclaim
11 Defendants, but also includes "any of their attorneys, agents, assigns, or any persons
12 or entities acting on their behalf." This Request seeks highly sensitive financial
13 information that is not reasonably calculated to lead to discoverable evidence
14 relating to any claim, defense, or theory of liability in this action. To the extent
15 United contends the requested documents are relevant to its alter ego theory of
16 liability alleged in the FACC, rather than relating to any claim or defense as
17 provided in Fed. R. Civ. P. 26(b)(1), the FACC is subject to the pending Motions to
18 Dismiss. If those Motions are granted, in whole or in part—for example, if the
19 Individual Counterclaim Defendants are dismissed or the Court rules that the alter
20 ego allegations are insufficient to permit alter ego discovery in the underlying
21 action, as opposed to post-judgment proceedings, if any, then the subject matter of
22 this Request will not be relevant.

23 **REQUEST FOR PRODUCTION NO. 14:**

24 Produce all documents reflecting any compensation, financial or otherwise,
25 received by the Omidis from any Plaintiff or Corporate Counterclaim Defendant,
26 including payroll or distribution records.

27
28

RESPONSE TO RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Individual Counterclaim Defendants object to this Request in its entirety on the following grounds. United's definition of "the Omidis" (*See* Definitions No. 3) is improper, overbroad, and designed to invade the attorney-client privileged and attorney work product doctrine, as it is not limited to the Individual Counterclaim Defendants, but also includes "any of their attorneys, agents, assigns, or any persons or entities acting on their behalf." This Request seeks highly sensitive financial information that is not reasonably calculated to lead to discoverable evidence relating to any claim, defense, or theory of liability in this action. To the extent United contends the requested documents are relevant to its alter ego theory of liability alleged in the FACC, rather than relating to any claim or defense as provided in Fed. R. Civ. P. 26(b)(1), the FACC is subject to the pending Motions to Dismiss. If those Motions are granted, in whole or in part—for example, if the Individual Counterclaim Defendants are dismissed or the Court rules that the alter ego allegations are insufficient to permit alter ego discovery in the underlying action, as opposed to post-judgment proceedings, if any, then the subject matter of this Request will not be relevant.

REQUEST FOR PRODUCTION NO. 15:

Produce all documents reflecting or addressing the compensation, financial or otherwise, received by the following individuals from any Plaintiff or Counterclaim Defendant, including payroll or distribution records or records of loans, fees reportable on IRS Form No. 1099, consulting fees or other payments:

- a. Maureen Jaroscak
- b. Robert Silverman
- c. Elliot Alpert
- d. Cindy Omid
- e. Thomas Cloud
- f. Charles Klasky

- 1 g. Robert Macatangay
- 2 h. Araminta Salazar
- 3 i. Ryan Stanton
- 4 j. Shawn Pezeshk
- 5 k. Alexander Weisse
- 6 l. Maria Abaca
- 7 m. Yesenia F.
- 8 n. Levi Green
- 9 o. Kimberly Fortier
- 10 p. Dr. Atul Madan
- 11 q. Dr. Michael Sedrak
- 12 r. Dr. Lee Au
- 13 s. Dr. Julius Gee

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

15 Individual Counterclaim Defendants object to this Request in its entirety on
16 the following grounds. This Request seeks documents that are not within Individual
17 Counterclaim Defendants' possession, custody, or control in their individual
18 capacities. In the event such documents are determined to be within Individual
19 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
20 Defendants specifically incorporate the Providers' objections to this Request. This
21 Request seeks documents arguably relating to United's UCL count in the FACC,
22 specifically allegations relating to patient referrals and the corporate practice of
23 medicine. The FACC is subject to the pending Motions to Dismiss. If those
24 Motions are granted, in whole or in part—for example, if the UCL count is
25 preempted by ERISA, then the subject matter of this Request will not be relevant.

26 **REQUEST FOR PRODUCTION NO. 16:**

27 Produce all documents, including communications from or to a financial
28 institution, related to the opening, initiation, signature authority, or closing of any

1 bank, savings, or investment account into which funds related to any United
2 Member was deposited.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

4 Individual Counterclaim Defendants object to this Request in its entirety on
5 the following grounds. This Request seeks documents that are not within Individual
6 Counterclaim Defendants' possession, custody, or control in their individual
7 capacities. In the event such documents are determined to be within Individual
8 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
9 Defendants specifically incorporate the Providers' objections to this Request. This
10 Request seeks documents arguably relating to United's alter ego theory of liability
11 alleged in the FACC, rather than relating to any claim or defense as provided in Fed.
12 R. Civ. P. 26(b)(1), and arguably relating to the tracing element of United's ERISA
13 recoupment count. The FACC is subject to the pending Motions to Dismiss. If
14 those Motions are granted, in whole or in part—for example, if the Individual
15 Counterclaim Defendants are dismissed, the Court rules that the alter ego allegations
16 are insufficient to permit alter ego discovery in the underlying action, as opposed to
17 post-judgment proceedings, if any, or if the District Court Judge rules that United
18 cannot demonstrate tracing as a matter of law, then the subject matter of this
19 Request will not be relevant.

20 **REQUEST FOR PRODUCTION NO. 17:**

21 Produce all subpoenas, search warrants, civil investigative demands, or other
22 informal demands issued to a Plaintiff or Counterclaim Defendant by any
23 Government investigative or regulatory entity from 2005 to the present that relates
24 to the allegations in the First Amended Counterclaim.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

26 Individual Counterclaim Defendants object to this Request in this entirety on
27 the following grounds. This Request seeks documents that are not within Individual
28 Counterclaim Defendants' possession, custody, or control in their individual

1 capacities. In the event such documents are determined to be within Individual
2 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
3 Defendants specifically incorporate the Providers' objections to this Request. This
4 Request is not reasonably calculated to lead to discoverable evidence relating to any
5 patient claim at issue in this action.

6 **REQUEST FOR PRODUCTION NO. 18:**

7 Produce all documents produced by a Plaintiff or Counterclaim Defendant to
8 any Government investigative or regulatory entity from 2005 to the present that
9 relates to the allegations in the First Amended Counterclaim.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

11 Individual Counterclaim Defendants object to this Request in this entirety on
12 the following grounds. This Request seeks documents that are not within Individual
13 Counterclaim Defendants' possession, custody, or control in their individual
14 capacities. In the event such documents are determined to be within Individual
15 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
16 Defendants specifically incorporate the Providers' objections to this Request. This
17 Request is not reasonably calculated to lead to discoverable evidence relating to any
18 patient claim at issue in this action.

19 **REQUEST FOR PRODUCTION NO. 19:**

20 Produce all documents or communications between you and Allergan related
21 to LapBand pricing.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

23 Individual Counterclaim Defendants object to this Request in this entirety on
24 the following grounds. This Request seeks documents that are not within Individual
25 Counterclaim Defendants' possession, custody, or control in their individual
26 capacities. In the event such documents are determined to be within Individual
27 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
28 Defendants specifically incorporate the Providers' objections to this Request. This

1 Request is not reasonably calculated to lead to discoverable evidence relating to any
2 patient claim at issue in this action.

3 **REQUEST FOR PRODUCTION NO. 20:**

4 Produce all documents relating to any claims or defenses asserted in this
5 action.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

7 Individual Counterclaim Defendants object to this Request in this entirety on
8 the following grounds. This Request seeks documents that are not within Individual
9 Counterclaim Defendants' possession, custody, or control in their individual
10 capacities. In the event such documents are determined to be within Individual
11 Counterclaim Defendants' possession, custody, or control, Individual Counterclaim
12 Defendants specifically incorporate the Providers' objections to this Request. This
13 Request does not apply to the Individual Counterclaim Defendants to the extent it
14 concerns "claims" because they are not Plaintiffs in this action and therefore do not
15 have any claims in this action in their individual capacities. To the extent this
16 Request concerns "defenses" to the FACC, the FACC is subject to the pending
17 Motions to Dismiss. If those Motions are granted, in whole or in part—for example,
18 if the Individual Counterclaim Defendants are dismissed, then the subject matter of
19 this Request will not be relevant.

20 **REQUEST FOR PRODUCTION NO. 21:**

21 Produce all documents that You intend to introduce or rely upon at trial of
22 this matter.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

24 Individual Counterclaim Defendants object to this Request in its entirety on
25 the following grounds. The FACC is subject to the pending Motions to Dismiss. If
26 the Individual Counterclaim Defendants are dismissed, then this Request will not
27 apply to Individual Counterclaim Defendants. This Request is premature, since the
28 parties have not yet engaged in significant fact discovery and it is too early to

1 identify all documents that Individual Counterclaim Defendants intend to "introduce
2 or rely upon" at trial if they are not dismissed from this action.

3 **REQUEST FOR PRODUCTION NO. 22:**

4 Produce all documents You referenced or relied upon in answering
5 DEFENDANTS'/COUNTERCLAIM PLAINTIFFS' FIRST SET OF
6 INTERROGATORIES TO COUNTERCLAIM DEFENDANTS.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

8 Individual Counterclaim Defendants object to this Request in its entirety on
9 the following grounds. This Request intrudes upon the attorney-client privilege and
10 attorney work product doctrine. This Request is overbroad and unduly burdensome.
11 To the extent it seeks the production of documents referenced in Individual
12 Counterclaim Defendants' Responses to United's First Set of Interrogatories, those
13 documents are already in United's possession.

14 Dated: December 8, 2014

15 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

16
17 By



18 BARBARA E. TAYLOR

19 Attorneys for Individual Counterclaim
20 Defendants Michael Omid, M.D.
21 and Julian Omid
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 333 South Hope Street, 43rd Floor, Los Angeles, CA 90071-1422.

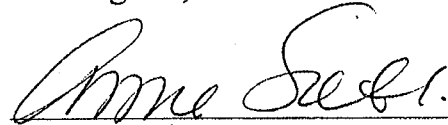
On December 8, 2014, I served true copies of the following document(s) described as **MICHAEL OMIDI, M.D. AND JULIAN OMIDI'S RESPONSE TO DEFENDANTS'/COUNTERCLAIM PLAINTIFFS' FIRST REQUEST FOR DOCUMENTS** on the interested parties in this action as follows:

See Attached Service List

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 8, 2014, at Los Angeles, California.


Angie Sotelo

SERVICE LIST

Bryan Westerfeld
Nicole E. Wursher
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